

Docket No.: 491712000100
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:

Eugene S. SMOTKIN

Application No.: 09/891,200

Filed: June 26, 2001

For: ELECTROLYTE COMPONENTS FOR USE
IN FUEL CELLS (AS AMENDED)

Confirmation No.: 9382

Art Unit: 1745

Examiner: Raymond Alejandro

**TRANSMITTAL COVER FOR RESPONSE TO
NOTICE OF NON-COMPLIANT BRIEF**

MS Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The attached Brief on Appeal responds to a Notice of Non-Compliant Brief mailed 10 August 2007, time for response which was set to expire 10 September 2007. A petition for an extension of time of one (1) month until 10 October 2007 is attached, along with the required fee.

According to the Notice of Non-Compliant Brief, the “Summary of the Invention” goes into too much background detail and explanation of what the invention is about rather than simply showing the origin of the claim limitations in the specification. Applicant sees nothing in

MPEP § 205.02 that prevents applicant from explaining what the invention is in greater detail than is set forth in the claims. Nevertheless, the “Summary of the Invention” section has been revised to focus on the support found in the specification for each limitation of the claims. Further explanation of the invention and the problem it solves is now located in the section under “Argument”.

Applicant believes this Brief is fully in compliance with the requirements of the Rules.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant’s petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 491712000100.

Respectfully submitted,

Dated: October 3, 2007

By: Electronic signature: /Kate H. Murashige/
Kate H. Murashige
Registration No.: 29,959
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
Telephone: (858) 720-5112
Facsimile: (858) 720-5125